IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 39 OF 2006

SHRI DEU KESHAV NAIK, BARDEZ, GOA. ....Petitioner

Versus

MR. ASHLEY JOSEPH FERNANDES HEREIN ....Respondents
REP. BY HIS CONSTITUTED ATTORNEY
DR. WOLFANGO FERNANDES AND ANR.,

Mr. Rohit Bras De Sa, Advocate for the Applicant.
Mr. Melwin A. Viegas,Advocate for the Respondent No. 1.
Ms. Winnie Coutinho, Public Prosecutor for the Respondent No.2.

Coram:- N. A. BRITTO, J.

Date:- 11th October, 2006

P.C.:-

Heard Mr. Rohit Bras De Sa, the learned Counsel on behalf of the applicant and Mr. M. Viegas, the learned Counsel on behalf of the respondent no.1. Both the parties have filed consent terms to settle this Criminal Revision Application. The applicant/accused who is present in Court along with his Advocate Mr. Rohit Bras De Sa, has stated that the balance amount is stipulated in para 4 of the consent terms will be paid by August'07 and in case he fails to pay the last instalment by August, 2007 he will undergo the sentence imposed upon him by the trial Court and as confirmed by the appellate Court. The execution of the sentence is therefore suspended till August, 2007.

The applicant/accused further undertakes to undergo the said sentence in case the amount mentioned in para 4 is not paid by August, 2007 and the default is brought to the notice of the trial Court by the complainant. The said record being brought to the notice of the trial Court by the complainant, the trial Court shall take necessary steps to execute the sentence imposed upon the applicant/accused.

In view of the undertaking, the applicant/accused seeks leave to withdraw the Criminal Revision Application. Leave granted. Criminal

Revision Application shall stand dismissed as withdrawn.

Respondent No.1 through Attorney is also present along with learned Counsel Mr. M. Viegas.

N. A. BRITTO, J.

RD.